

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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MACK PORTER, )  
                  )  
Plaintiff,     )  
                  )  
v.               )     **No. 23-cv-2594-TLP-tmp**  
                  )  
AVIONICS SPECIALIST, INC.,     )  
                  )  
Defendant.      )

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**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL AND RESET DATE FOR  
RULE 4.3(a) ADR MEDIATION AND SETTING VIDEO STATUS CONFERENCE**

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Before the court is Defendant Avionics Specialist, Inc.'s ("Avionics") Motion to Compel and Reset Date for Rule 4.3(a) ADR Mediation, filed April 11, 2024. (ECF No. 15.) It was referred to the undersigned on April 15, 2024. (ECF No. 16.)

The January 2, 2024 Scheduling Order set January 16, 2024, as the date for exchange of the parties' Federal Rules of Civil Procedure Rule 26 Initial Disclosures, and April 5, 2024, as the deadline for Rule 4.3(a) ADR Mediation of this matter. (ECF No. 13.) According to Avionics, Porter has yet to submit his Rule 26 disclosures to Avionics's counsel. (ECF No. 15 at PageID 42.) Avionics explained that

Counsel for Defendant has contacted Plaintiff's counsel regarding both Plaintiff's Rule 26 Initial Disclosures and mediation of Plaintiff's claims. Defendant's counsel's last conversation with Plaintiff's counsel occurred on March 14, 2024, at

which time, Plaintiff's counsel informed Defendant's counsel that he was experiencing serious personal health problems which were impacting his work. Counsel agreed that Plaintiff would submit his Rule 26 Initial Disclosures to Defendant the following week and that Plaintiff would move this Court, with consent of Defendant, for an extension of time for Rule 4.3(a) ADR Mediation of this matter in an accommodation of his health problems.

(Id.) To date, Porter has not submitted his Rule 26 Initial Disclosures and has not moved for an extension of time. (Id.) Porter also did not respond to this motion by the April 25, 2024 deadline. See Local Rule 7.2(a)(2) ("The response to the motion and its supporting memorandum . . . shall be filed within 14 days after service of the motion[.]").

Due to this significant delay and Porter's failure to respond, the undersigned hereby GRANTS the Motion to Compel and orders the plaintiff to serve his Rule 26 Initial Disclosures by May 7, 2024, at 5:00 p.m. Additionally, the undersigned will set the matter of rescheduling the Rule 4.3(a) ADR Mediation deadline for a video status conference, which is to be held Tuesday, May 14, 2024, at 9:30 a.m. Central Standard Time.

IT IS SO ORDERED.

s/Tu M. Pham

TU M. PHAM

Chief United States Magistrate Judge

April 30, 2024

Date